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**From:** Price-Fay, Michelle [Price-Fay.Michelle@epa.gov]  
**Sent:** 2/27/2018 8:00:11 PM  
**To:** Hoffmann, Michael [Hoffmann.Michael@epa.gov]  
**CC:** rogers, rick [rogers.rick@epa.gov]  
**Subject:** FW: CIB Mountaire Committee Report  
**Attachments:** 03022018 Board Packet.pdf

Mike,

Attached is the advanced copy of the meeting materials that Chris shared with me along with his ask from EPA for this meeting. Rick and I talked about the status of activities and information that I have crafted into talking points for you for this meeting.

- EPA's early action with Mountaire was an Administrative Order on Consent (AOC). That means that the company voluntarily entered into this action with EPA.
- The EPA action has yet to be closed because Mountaire had not satisfied the conditions of the order; therefore EPA continues to monitor compliance with the existing order.
- EPA's charge under the safe drinking water act is to work with public water sources. In this effort the Region works with the Delaware Department of Health. The Water Protection Division, Office of Drinking Water and Source Water Protection coordinates that effort for EPA Region III. This same office has been monitoring the AOC with Mountaire.
- It is our understanding that someone from the Center has spoken with the EPA project lead monitoring the existing AOC.
- Unfortunately a representative from that office was not available today, so to the extent that there are any questions that we are not able to answer or there is information that we are unable to share, we can note the questions and provide follow-up after this meeting.
- It is important to let you know that we are unable to provide information related on ongoing agency enforcement activities.
- A couple of points of clarification for this situation.
  - Spray irrigation is permitted by the State.
  - Page 9 of the draft document does references an explain that EPA did conduct a review of DNREC's CWA program in September 2015. That reports provides actions to improve the program. It is important to reiterate that it did focus on DNREC's NPDES program and it did not focus on permits and activities beyond NDPEs.
- EPA does not have jurisdiction on private wells unless they are contaminated, there is a responsible party and the state has failed to take action.
- If the state has not taken appropriate action EPA can issue an emergency order under Section 1431 of the Safe Drinking Water Act (SDWA) if a contaminant is above the maximum contaminant levels (MCLs). Prior to making this determination EPA does work with the State and we have the ability to issue a unilateral order compelling action or negotiate an order on consent.
- In this matter the state has the lead and EPA is working closely with DNREC.

Michelle Question

- What is the goal and/or intention of this document?
- Does the Center intend to release this to the public and/or what is the follow-up?

Michelle Price-Fay, Associate Director

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**From:** Chris Bason [mailto:chrisbason@inlandbays.org]  
**Sent:** Monday, February 26, 2018 9:48 AM  
**To:** Price-Fay, Michelle <Price-Fay.Michelle@epa.gov>  
**Cc:** Susie Ball <susieball00@gmail.com>  
**Subject:** CIB Mountaire Committee Report

Hi Michelle --

Please find attached the electronic version of the Board Packet that includes the report of the Mountaire Committee. In your absence, I'm requesting that EPA provide a representative to the Board Meeting that can speak to the EPA's responsibility for enforcement of the EPA's open administrative order with Mountaire, if any action or investigation on EPA's part is underway, and the relationship between EPA and DNREC in regards to enforcement of Clean Water Act and/or Safe Drinking Water Act programs.

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*Chris Bason*  
Executive Director

